

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed July 30, 2007. By this paper, claim 26 is added. Claims 1-13 and 15-26 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

Applicant notes that the remarks and amendments presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited references. Such remarks, or a lack of remarks, and amendments are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and any references cited by the Examiner, and/or the merits of additional or alternative arguments.

II. Rejection of Claims 1-13, 15, and 18-25 under 35 U.S.C. § 102

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (c) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as

complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *MPEP* § 2131.

The Examiner has rejected claims 1-13, 15, and 18-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,244,045 to Nosu et al. ("*Nosu*"). Applicant respectfully disagrees, and submits that for at least the reasons set forth below, the rejection should be withdrawn.

As shown above, claim 1 recites among other things "a plurality of subassemblies, each subassembly comprising: an optoelectronic transducer supported by a substrate; and an associated optical system that includes a lens attached to the substrate, wherein the lens is unique to the subassembly." In contrast, the Examiner has not established that *Nosu* or any other reference teaches, or even suggests, the aforementioned limitation in combination with the other limitations of claim 1.

Instead, the Examiner has simply stated that Figure 9 of *Nosu* teaches that an optoelectronic transducer is supported by a substrate and that an associated optical system includes a lens attached to the substrate. However, the Examiner has not pointed out which element of Figure 9 corresponds to the purported substrate. A close examination of Figure 9 shows that no such substrate is anywhere shown in the figure. Further, such a substrate is not shown in Figure 12 of *Nosu* or anywhere else shown or mentioned in *Nosu*.

Applicant notes that the Examiner is on record in the previous two Office Actions as stating that "Nosu does not teach that the optoelectronic transducer is supported by a substrate that includes a lens attached to the substrate." (Page 3, Office Action dated 1-5-2007, page 4, Office Action dated 6-8-2006). Accordingly, Applicant respectfully requests that the Examiner specifically point out where in *Nosu* a substrate as recited in claim 1 is taught if the Examiner is going to now maintain that *Nosu* teaches the substrate as recited in claim 1.

Applicant respectfully reminds the Examiner that the Examiner must make the disclosure of all claim features apparent to the Applicant, irrespective of whether or not such features would be apparent to a hypothetical person of ordinary skill in the art. The examination guidelines confirm this, stating that "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the Applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent,

must be clearly explained and each rejected claim specified." 37 CFR 1.104 (emphasis added). Moreover, "[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." MPEP § 706 (emphasis added). Applicant submits that the Examiner has simply not met the burden of sufficiently showing where the required substrate is taught or disclosed in *Nosu*.

Claims 23 and 24 include similar limitations as claim 1 and therefore the Examiner has not established that *Nosu* or any other reference teaches, or even suggests, the aforementioned limitations in combination with the other limitations of claims 23 and 24. In light of the foregoing discussion, Applicant respectfully submits that the Examiner has not established that claims 1-13, 15, and 18-25 are anticipated by *Nosu*, at least because the Examiner has not established that the identical invention is shown in *Nosu* in as complete detail as is contained in claims 1-13, 15, and 18-25, and because the Examiner has not shown that *Nosu* discloses the elements of those claims arranged as required by the claims. For at least the foregoing reasons, Applicant respectfully submits that the rejection of claims 1-13, 15, and 18-25 should be withdrawn.

III. Rejection of Claims 16 and 17 under 35 U.S.C. § 103

The Examiner has rejected claims 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Nosu* in view of U.S. Patent No. 5,960,141 to Sasaki et al. ("*Sasaki*"). Applicant respectfully disagrees, and submits that for at least the reasons set forth below, the rejection of claims 16 and 17 should be withdrawn.

Claims 16 and 17 depend from claim 1. By virtue of their dependence from independent claim 1, dependent claims 16 and 17 each require, among other things, "an optoelectronic transducer supported by a substrate," and "an associated optical system that includes a lens attached to the substrate, wherein the lens is unique to the subassembly." As discussed at II above, however, the Examiner has failed to establish that this limitation, in combination with the other limitations of the rejected claims, is taught or suggested by *Nosu* either singularly or in combination, or any other reference(s). *Sasaki* is cited for allegedly teaching a "leadframe that provides at least partially encapsulated potting compound mounted thereon..." As such, the Examiner has not established that *Sasaki* cures the deficiencies of *Nosu* with regards to claim 1,

discussed above. Thus, even if *Nosu* is combined with *Sasaki* in the allegedly obvious manner set forth in the Office Action, the resulting combination nonetheless fails to include all the limitations of the rejected claims.

In view of the foregoing discussion, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 16 and 17, at least because the Examiner has failed to establish that the references, when combined in the purportedly obvious fashion, teach or suggest all the limitations of claims 16 or 17. Accordingly, Applicant respectfully submits that the rejection of claims 16 and 17 should be withdrawn.

IV. New Claim 26

By this paper, Applicant has added new dependent claim 26. Support for this new claim can be found, for example, at least Figures 3-5 of the specification. Inasmuch as claim 26 depends from claim 1, believed to be in allowable condition for at least the reasons set forth herein, Applicant respectfully submits that claim 26 is likewise in allowable condition.

CONCLUSION

In view of the foregoing, Applicant believes that he has addressed every issue raised in the Office Action and has put the claims in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 29th day of November, 2007.

Respectfully submitted,

A handwritten signature in black ink that reads "Eric L. Maschoff". The signature is written in a cursive, flowing style.

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